

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PRECISION ENERGY SERVICES, INC., §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H:11-4492
§
THRUBIT, LLC, §
§
Defendant. §

ORDER

After Precision Energy Services, Inc. ("Precision Energy") filed its Motion for Failure to State a Claim (Document No. 12) moving to dismiss Defendant Thrubit, L.L.C.'s ("Thrubit") counterclaim and strike its defenses, Thrubit filed its First Amended Answer and Counterclaims (Document No. 22), in which it has pled with greater particularity and fullness its answer to Plaintiff's Original Complaint and its own Counterclaim. Subsequently, Precision Energy filed its Amended Answer to Thrubit's First Amended Counterclaim (Document No. 26), in which it recited that it did so subject to the earlier motion to dismiss and to strike Thrubit's original pleading. It is unnecessary for the Court to rule on Precision Energy's Motion to Dismiss and Motion to Strike (Document No. 12), addressed to a now superseded set of

pleadings, and the motion at Document No. 12 is therefore DENIED AS MOOT.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 19th day of October, 2012.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE